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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED**  
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**JUN 15 2009**In re Application of: Smith *et al.*

Serial No.: 10/786,466

Filed: February 25, 2004

Confirmation No. 9331

For: **FIRE RESISTANT CONSTRUCTION**

Examiner: J. Chapman

Art Unit: 3635

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**PROPOSED****RESPONSE AFTER FINAL****AND REQUEST TO WITHDRAW FINAL OFFICE ACTION**

In response to the Office Action mailed March 17, 2009, please consider the offered Remarks and grant Applicants' request to reopen prosecution.

In the event an Extension of Time for the accompanying response is required, Applicants request that this be considered a Petition therefore. The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account 501923.

Listing of Claims begin on page 2 of this paper.

Remarks begin on page 8 of this paper.